From: Christopher Mathews
To: Eligio Lara
Subject: FW: Procedural Questions from SMPD
Date: Friday, August 12, 2022 2:22:21 PM
Attachments: image001.png

FYI…

From: Balleste, Sonia <sballeste@countyofsb.org>
Sent: Monday, August 8, 2022 12:17 PM
To: Christopher Mathews <cmathews@cityofsantamaria.org>
Subject: RE: Procedural Questions from SMPD

*** EXTERNAL EMAIL: Please use caution when opening links or attachments.***

Hi Chris: Hope you are well. As to the first question, I can tell you that in general investigative tools are not discovery so you can mention the existence of the tool but the data is not necessarily discovery in the example you gave because the camera simply pointed to a direction the officers then found the vehicle on their own. I would recommend you state the assistance of the tool, without the location of the camera. The same way we use Codis for example. "I received a codis hit notice from DOJ identifying a potential suspect to case # … and then I secured a warrant for a reference sample from the suspect…"
If however, you were to use these cameras to prove someone whereabouts at or near the a crime scene then the data as to that time stamp and location would be subject to disclosure. If we are using it to prosecute it is discovery. If the police are merely pointed to a direction and then discover the same evidence on their own, then it is not. I will enlist the assistance of your city attorney for proper and specific guidance.

As for jury trials, they are important and really infrequent even with the backlog. The general rule is that the IO is designated to assist in the prosecution because they are the only ones on scene who witnessed what happens and they need to listen to the testimony given so they know what specific areas they may need to impeach or rebut. There is no other practical way to do that. They generally do not need to be present for jury selection or opening statements. That designation is something the Court (the

Judge) makes at our request and once it is made they are under a court order to be present so they cannot be excused unless there is an emergency with the permission of the Judge. I understand the staffing issues so I can let our staff know that IOs do not need to be present for jury selection. FYI: The only patrol officer designated as an IO was Officer Yee who was also the victim of a 422 and 69 that really required him to be a big part of the case. This is not your typical situation.

However, I will note that we have had an unusual number of prelims set and going due to the court's change in schedule in July and the end of the emergency orders that expired June 30th. This may be why so many patrol officers have been called into Court. Unfortunately, we have no control over the court schedule where they reduced court calendars from 3 courts to 2 in July 1st. Although we are hoping they will adjust it back to 3 courts in January when we will have at least one additional judge. I can advise you that if the patrol officer is working day shift they can check in with the DDA to see if they can be called in when the case is about ready to start.

As always please feel free to reach out with any additional questions, suggestions or concerns and we will work with you.

Sonia E. Balleste

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From: Christopher Mathews <cmathews@cityofsantamaria.org>
Sent: Saturday, August 6, 2022 9:05 AM
To: Balleste, Sonia <sballeste@countyofsb.org>

Cc: Eligio Lara <elara@cityofsantamaria.org>
Subject: Procedural Questions from SMPD

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Hi Sonia,

I wanted to reach out to your office regarding a couple issues/concerns that have come up recently and get your input on the DA's office opinion on the matters.

1. As I'm sure you know, the city has installed a significant amount of license plate reading (LPR) cameras in the city. The question was posed, how detailed do we need to be in our reports regarding the use of these LPR's. For example, if a camera gives us a "Hot Hit" alert on a stolen vehicle, and officers check the area/locate the vehicle, is it necessary to put verbiage in the report such as…"on such and such date, I received a FLOCK LPR hit regarding a stolen vehicle near A/B Streets?" Because these arrestees often get copies of their reports and share them throughout the jail and with others, we would obviously like to keep them as off the radar as possible to these repeat offenders. I am sure the word has already spread that these cameras exist in the city, just want to slow the spread if possible.

   For a case such as this, can officers just say in their report… On date/time, I was in the area of A/B Streets when I observed stolen vehicle ABC123, which returned stolen out of SMPD and leave out the part about the FLOCK LPR Hit. In this case it is more of a tool than evidentiary I would say.

   Having said that, I know that if the camera's are used as more of a canvassing tool which helps develop a suspect, which leads to an ID, so on and so forth, I know that it is absolutely required to reference the use of the LPR system when it is used in identifying suspect vehicles, suspects, etc in cases like shootings/stabbings/robberies, etc.

   Can you provide any feedback on this matter?

2. As with all departments, we are very short staffed at the moment, making it hard to meet minimum staffing on a daily basis. Officers are still out doing good work, which leads to arrest, which leads to court, trials, etc…part of doing business. This, along with the backlog of cases that seem to now be moving forward after COVID restrictions lifted make things difficult.

   Recently some patrol officers have had jury trials, and multiple times, back-to-back trials. During these cases, a patrol officer has been designated as the I.O. in the case, taking him/her off the streets for a week or two at a time, which

hurts staffing. Frankly, we just don't have the staffing to lose officers for weeks at a time to trial.

My question is, is it always necessary to have a patrol officer present for an entire trial, jury selection, and all, as the investigating officer? Or can the officer be subpoenaed to testify at a given date/time instead? I do think the whole trial experience has tremendous value for officers and only makes them better. I'm just wondering if we can have a happy medium moving forward during these tough times of low staffing.

I really appreciate your time on this.

Respectfully,

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